

**REMARKS**

Claims 1, 3-5 and 9-11 are pending in this application. By this Amendment, new claim 11 is added. Support for new claim 11 can be found, for example, in Figs. 4-6 and the corresponding description in the specification. Accordingly, no new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration; and (c) place the application in better form for appeal, should an appeal be necessary. Entry of the amendment is thus respectfully requested.

**I. Finality of Office Action**

In reply to the Amendment with RCE filed on January 12, 2007, a (first action) Final Rejection was issued. Specifically, the Final Rejection, on page 6, states that all claims filed in the January 12, 2007 Amendment with RCE "are drawn to the same invention claimed in the application prior to the entry of the submission under 37 C.F.R. §1.114 and could have been finally rejected on the grounds and art of record in the next Office Action if they had been entered in the application prior to entry under 37 C.F.R. §1.114." Applicant respectfully disagrees with this assertion and thus submits that the finality of the Office Action is improper.

The Amendment with RCE filed on January 12, 2007 included new dependent claim 9 and independent claim 10. New claims 9 and 10 include subject matter, e.g., a groove extending vertically and perpendicular to the bottom surface, which was not claimed in the application prior to the entry of the submission under 37 C.F.R. §1.114. Accordingly, all claims submitted in the January 12, 2007 Amendment with RCE are not drawn to the same invention claimed in the application part of the entry of the submission under

37 C.F.R. §1.114. Thus, Applicant submits the finality of the March 30, 2007 Office Action is improper.

Furthermore, during the December 13, 2006 telephone interview, Examiner Mruk indicated that even amending claim 1 to include the features recited in claim 3 would constitute a new issue. Further, as a result of the amendment, claims 3-5 depend from the subject matter of claims 1 and 6. As such, Applicant submits that the amendment to claim 1, filed in the January 12, 2007 Amendment with RCE, to include the subject matter of claim 6 constitutes a new issue not previously considered.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests withdrawal of the finality of the March 30, 2007 Office Action.

## II. Rejection of Claims Under 35 U.S.C. §102(b)

Claims 1, 3-5, 9 and 10 are rejected under 35 U.S.C. §102(b) over Takahashi et al. (U.S. Patent No. 6,203,136). This rejection is respectfully traversed.

Takahashi does not disclose "wherein the ring-like lip...includes a distal end and a groove that urges the distal end to be deformed in an outer side of the ring-like lip, the distal end falling downward to an inside of the groove when a print head cap is pressed onto the nozzle surface," as recited in independent claim 1 (emphasis added).

In the Response to Argument section of the Office Action, it is alleged that Takahashi discloses the above recited feature of claim 1 because Takahashi allegedly discloses a print head capping device that includes a cap that moves its contact position with the nozzle plate P partially while gradually expanding the contact region from one corner of the draping 35, relying on col. 6, lines 44-46, of Takahashi. However, Applicant submits that in view of col. 6, lines 27-42, of Takahashi, a distal end of the cap does not fall downward to an inside of the groove when the print head cap is pressed onto a nozzle surface.

According to col. 6, lines 27-42, Takahashi discloses moving the cap 34 from a state in which the cap 34 is inclined at an angle  $\alpha$  with respect to the nozzle plate when the carriage 1 does not contact with the flag piece 24 of the slider 20, as shown in Fig. 6(a), to a state in which the carriage 1 moves and contacts with the flag piece 24 to move the slider 20 thereby causing the cap 34 to rise up gradually and be at least parallel with the surface of the nozzle plate P to contact therewith tightly as shown in Figs. 6(b) and 9(b). Further, col. 6, lines 44-46 of Takahashi provides a description of moving the cap 34 from the state as shown in Fig. 6(a) to a state as shown in Fig. 6(b) in which the cap 34 contacts the nozzle plate P in parallel therewith by gradually contacting the cap 34 with the nozzle plate P. In this regard, Takahashi does not disclose "wherein the ring-like lip ... includes a distal end and a groove that urges the distal end to be deformed in an outer side of the ring-like lip, the distal end falling downward to an inside of the groove when a print head cap is pressed onto the nozzle surface," as recited in independent claim 1 (emphasis added).

For at least these reasons, Applicant thus respectfully requests withdrawal of the §102(b) rejection of independent claim 1. Claims 3-5 and 9 depend from claim 1. Applicant thus respectfully requests withdrawal of the rejection of these claims for at least the reasons discussed above, as well as for the additional features they recite.

Takahashi also does not disclose "wherein the ring-like lip...includes a distal end in a groove that urges the distal end to be deformed in an outer side of the ring-like lip, the groove extending vertically and perpendicular to the bottom surface," as recited in independent claim 10 (emphasis added).

The Office Action alleges that Fig. 12(b) of Takahashi, reproduced on page 4 of the Office Action, discloses a groove that corresponds to the groove recited in claim 10. However, the alleged groove as identified on page 4 of the Office Action has an inclined-shape that forms

a triangular configuration. In this regard, the alleged groove does not extend vertically and perpendicular to the bottom surface identified on page 4 of the Office Action.

Furthermore, Applicant submits that the alleged groove, as identified on page 4 in the Office Action, is formed between the draping 35 and the base of the cap 34. In this regard, the alleged groove is not formed as a portion of the draping 35. In contrast, the claimed groove is included in the ring-like lip.

Accordingly, for at least the reasons discussed above, Takahashi does not disclose "wherein the ring-like lip ... includes a distal end and a groove that urges the distal end to be deformed in an outer side of the ring-like lip, the groove extending vertically and perpendicular to the bottom surface," as recited in independent claim 10.

For at least these reasons, Applicant thus respectfully requests withdrawal of the §102(b) rejection of independent claim 10.

### **III. Conclusion**

In view of the at least the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: July 2, 2007

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